

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-40462 of 2016
Date of Decision: 29.03.2017

Om Singh and anotherPetitioners

VERSUS

State of PunjabRespondent

2. CRM-M-42133 of 2016

Gurpreet Singh @ Buddu & anotherPetitioners

VERSUS

State of PunjabRespondent

3. CRM-M-43079 of 2016

Lavpreet Singh @ BuntyPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioners in all the petitions.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. S.P.S. Sidhu, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 146 dated 11.10.2016 registered for offences punishable under Sections 323, 324, 326, 148 read with Section 149 of Indian Penal Code (for short 'IPC'), at Police Station Sadar Fazilka, District Fazilka.

Heard.

As per case of prosecution, occurrence took place on 05.10.2016 at about 10.00 p.m. in which complainant-Surender Kumar was caused six injuries by six accused, namely, Om Singh, Som Singh, Gurpreet Singh @ Buddhu, Ranjit Singh @ Bittu @ Harjit Singh, Lavpreet Singh @ Bunty and Fauja Singh. One of the injuries on the person of complainant-Surender Kumar was caused with sharp edged weapon, which was found grievous in nature and has been attributed to petitioner-Lavpreet Singh @ Bunty. Remaining injuries were simple in nature. Petitioner-Gurpreet Singh @ Buddhu had also recorded DDR giving cross-version of the occurrence but the police on enquiry has found the same as false.

Learned State counsel submits that petitioners have joined the investigation but they have not cooperated with the police for recovery of the weapon used by them for causing injuries to complainant.

The fact that petitioners have not got recovered the weapons attributed to them in FIR is no reason to decline them the benefit of anticipatory bail. Injuries attributed to above-named petitioners except Lavpreet Singh @ Bunty (CRM-M-43079 of 2016) are simple in nature.

In view of above but without expressing any opinion on merits of the case, petitions, CRM-M-40462 of 2016 and CRM-M-42133 of 2016, are allowed and orders dated 11.11.2016 and 28.11.2016 passed in respective petitions are made absolute till presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or

- to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

Keeping in view the nature of injury attributed to Lavpreet Singh @ Bunty, his bail application (CRM-M-43079 of 2016) is dismissed.

March 29, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No